

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JPMORGAN CHASE BANK, N.A.,

Plaintiff,

vs.

FRANK TERIET, SHEILA TERIET,
INTEGRA BANK NATIONAL
ASSOCIATION, LYLE D. PAHNKE, JR.,
COMMUNITY TRUST BANK, and USA,

Defendants.

Case No. 11-cv-721-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff's motion for summary judgment (Doc. 26). Defendant USA filed a response (Doc. 30) to which plaintiff filed a reply (Doc. 31).

Plaintiff's motion for summary judgment (Doc. 26) alleges it is entitled to summary judgment because it has a senior lien as to all other defendants, including defendant USA. In its response, the USA concedes the motion is well-taken. Further, the USA asserts it does not object to a foreclosure judgment or alternatively, an order including a finding that the USA has a valid and subsisting lien junior only to the liens of defendants Integra Bank National Association, Lyle D. Pahnke, Jr., and Community Trust Bank, and thereafter a remand to Second Judicial Circuit, Jefferson County, Illinois. Plaintiff's reply agrees with the USA's response and a remand, with the exception that plaintiff be listed as a lienholder whose lien is senior to the USA's lien. Accordingly, the Court hereby **GRANTS** plaintiff's motion for summary judgment against defendant USA (Doc. 26).

The Court further declares that the USA has a valid and subsisting lien junior only to the following liens:

1. JPMorgan Chase Bank, N.A., by virtue of a mortgage executed by Frank E. Teriet & Sheila K. Teriet, dated 05/18/2001 recorded/registered 06/4/2001 in the Office of the Recorder/Registrar of Deeds JEFFERSON County, Illinois, as document no. 200104249, to secure a note in the principal sum of \$160,000.00.
2. Integra Bank National Association, by virtue of a mortgage executed by Frank E. Teriet & Sheila Teriet, dated 08/20/2001 recorded/registered 09/11/2001 in the Office of the Recorder/Registrar of Deeds JEFFERSON County, Illinois, as document no. 200106888, to secure a note in the principal sum of \$ 44,400.00.
3. Lyle D. Pahnke, Jr. MD. , by virtue of Memorandum of Judgment against Frank Teriet, rendered in Case No. 08 LM 68, in the Circuit Court of Clinton County, IL, and recorded in the Office of the Recorder of Deeds of Jefferson County IL on 11/06/2008, as Document No. 200806855, in the sum of \$39,510.36.
4. Community Trust Bank , by virtue of Memorandum of Judgment against Frank Teriet, rendered in Case No. 2009 sc 423, in the Circuit Court of MARION County, IL, and recorded in the Office of the Recorder of Deeds of Jefferson County IL on 08/20/2009, as Document No. 200906893, in the sum of \$6,117.32.

All remaining claims are **REMANDED** to the Circuit Court of the Second Judicial Circuit, Jefferson County, Illinois, for further proceedings. The Court, finding no just reason for delay, **DIRECTS** the Clerk of Court to enter judgment pursuant to Rule 54(b).

IT IS SO ORDERED.

DATED: September 17, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE